

**REMARKS**

Favorable reconsideration and allowance of the claims of the present application, as amended herein, are respectfully requested.

In the present Office Action, Claims 16, 40 and 60 are objected to because the Examiner alleges that the term "dislocation" is misspelled in each of these claims. Applicants have reviewed Claims 16, 40 and 60 and have noticed that the misspelling only appears in Claim 16; the term "dislocation" is properly printed in Claims 40 and 60. Hence, applicants have amended Claim 16, line 1 by changing the term "dicloation" to "dislocation" as suggested by the Examiner. Applicants have also deleted the term "can" from each of Claims 1, 40 and 60 since that term may be considered as vague and indefinite.

Applicants respectfully submit that the above amendment to Claim 16 obviates the objection raised against that claim in the present Office Action. In the event that the Examiner's copies of Claims 40 and 60 do not include the proper spelling of the term "dislocation", applicants hereby give the Examiner authorization to correct the spelling of the term in those claims via an Examiner's Amendment.

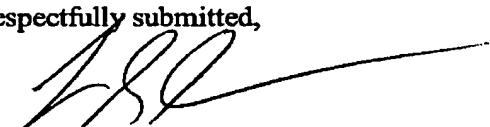
In the present Office Action, the Examiner has indicated that Claims 2, 5, 7-8, 10, 14, 16-18, 22, 27, 30, 32-33, 38, 40-42, 46, 51, 53-54, 58, 60-62 and 66 would be allowable, if rewritten in independent form including all of the limitation of the base claim and any intervening claim. The remaining claims, i.e., Claims 1, 3-4, 6, 9, 11-13, 15, 19-21, 23-25, 26, 28-29, 31, 34, 36-37, 39, 43-45, 47-50, 52-53, 55-57, 59, 63-65 and 67-69, stand rejected under 35 U.S.C. § 103 as allegedly unpatentable over U.S. Patent No. 6,774,015 to Cohen, et al. ("Cohen, et al.").

In order to advance prosecution of the present application and in view of the Examiner's indication of allowable subject matter, applicants have incorporated into each of Claims 1, 26 and 50 the feature that the claimed insulating layer is a crystalline or non-crystalline oxide or nitride that is highly resistant to Ge diffusion. Support for this added feature into each of the independent claims is found in original Claims 2, 27 and 51 which have been cancelled herein. Applicants observe that no comments concerning the obviousness rejection citing Cohen, et al. are necessary since the Examiner has stated that the claimed feature of an insulating layer that is a crystalline or non-crystalline oxide or nitride that is highly resistant to Ge diffusion is not taught or suggested in the disclosure of Cohen, et al. See item 6, lines 7-9 of the Office Action.

In view of the above amendments and remarks, the claims of the present application are not obvious and are thus allowable over Cohen, et al. Reconsideration and allowance of the claims of the present application are thus respectfully requested.

Thus, in view of the foregoing amendments and remarks, it is firmly believed that the present case is in condition for allowance, which action is earnestly solicited.

Respectfully submitted,



Leslie S. Szivos  
Registration No. 39,394

Scully, Scott, Murphy & Presser  
400 Garden City Plaza, Suite 300  
Garden City, New York 11530  
(516) 742-4343  
**Customer No. 23389**  
LSS:jw